1952.

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File No. Inland Steam Vessels II/52(R)
Legal Department
B **BRANCH**

Subject:— Rules under the Inland Steam Vessels Act, 1917.

File No. Inland Steam Vessels II/52(R)

Gen. 191 o.

362-B

~~1952.~~

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File No. Inland Steam Vessels II/52(R)
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B **BRANCH** p.2(c)

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Legal Department.

Since the draft rules require previous publication under section 74(1), the requisite draft notification is sent herewith. P.W.D. is requested to verify if the revised rule is suitable and carries out its intentions.

2. Rule 2 of the P.W.D. draft provides for fixing fees payable to a Surveyor irrespective of the fact whether the vessel possesses a Certificate of Survey or not. Under section 3(1) of the Inland Steam Vessels Act, 1917, no steam-vessel can proceed on voyage or used for any service unless ~~him~~ she has a Certificate of Survey in force, Sub-section (2) however says that nothing in sub-section (1) shall apply to any steam-vessel proceeding on a voyage during interval between the time at which her Certificate of Survey expires and the time at which it is first practicable to have the Certificate renewed. Section 12 of the Act provides for renewal of Certificate of Survey and under that section the Certificate of Survey can be renewed only after a fresh survey of the vessel to which the certificate relates has been held in accordance with the provisions of Chapter II except so far as any relaxation thereof may be prescribed. Reading the above provisions of sections 3 and 12, it would appear that even for renewal of a Certificate of Survey it would be necessary to have the vessel certified again for which fees have been prescribed under rules made under section 19 of the Act. Under these circumstances it appears that it would not be legally feasible to prescribe fees for certifying a vessel in respect of which there is no Certificate of Survey in force. The draft rule 2 in so far as it provides for survey of a vessel for which there is no certificate of survey has been omitted from the revised draft.

Since the revised draft makes it clear that the survey is rendered necessary at any time after the issue of a certificate, the proviso to rule 2 of the P.W.D. draft is also not necessary and has been omitted from the revised draft.

Id/-B.P.D. 6/8
Additional Deputy Secretary to Government.

U.R. to P.W.D. No. 13040 dated the 8th August 1952.

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Legal Department.

Under the scheme of Chapter II of the Inland Steam Vessels Act, 1917, provision is made for survey of a vessel before issue of a certificate of survey or its renewal (see sections 5, 9 and 12); and provision is made for prescribing fees in respect of such surveys only. There is no provision in the Act for surveys ~~x~~ unconnected with the issue of a certificate or its renewal. The proposal, therefore, to undertake surveys unconnected with a certificate of survey and to prescribe fees therefor is not legally feasible under the Act.

2. It is true that as pointed out by the Principal Officer that the survey fees are not payable to the surveyor; but under section 6 the person to whom fees are to be paid is to be notified. Consequently, the name of such officer may be filled in in the copy of draft sent herewith.

3. So far the proviso ~~xx~~ at 'C' of page 15 C/S of Public Works Department draft; it is redundant as this rule has nothing to do with the Annual or First survey. Fees for the latter are provided for in Schedule I to the Act itself and is based on tonnage and not per visit.

Id/-B.P.D. 22/12
for Additional Secretary to Government.

U.R. to P.W.D., No. 21667/8, dated the 23rd December 1952.

BKS.
3/7/
4c.